

AMENDED IN SENATE AUGUST 15, 2011

AMENDED IN ASSEMBLY APRIL 7, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

No. 1393

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**Introduced by Committee on Arts, Entertainment, Sports, Tourism,  
and Internet Media (Campos (Chair), Carter, Gatto, Mendoza,  
and Monning)**

*Introduced by Assembly Member Perea*

February 28, 2011

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An act to add Section ~~1308.10~~ to the Labor ~~19846.5~~ to the Government Code, relating to employment.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1393, as amended, ~~Committee on Arts, Entertainment, Sports, Tourism, and Internet Media~~ *Perea*. Employment: ~~on-location filming permits~~.

~~Existing law requires that the written consent of the Labor Commissioner is required for the employment of minors in specified aspects of the entertainment industry.~~

~~This bill would allow a local agency or public entity that issues a permit for on-location filming, if a child or children will be employed at a particular film production location, to make this information available to the Department of Industrial Relations and the Division of Labor Standards Enforcement within the department. The department and the division would be prohibited from using the information~~

~~provided for any purpose other than enforcing specified labor laws and from further disseminating the information provided.~~

*Existing law provides that if an employer discharges an employee, the wages earned and unpaid at the time of discharge are due and payable immediately, as specified. Existing law also provides that, unless otherwise provided for by a collective bargaining agreement, if an employment contract or policy provides for paid vacations, and an employee is terminated, the employer must pay the employee for the employee's unused vested vacation time, as specified.*

*This bill would provide that, notwithstanding any other law, if the Franchise Tax Board determines there is a lack of work for a seasonal clerk employed by the board, the board may (1) pay the clerk a lump-sum payment for accumulated vacation or annual leave credit, (2) by mutual agreement between the board and the clerk, schedule the clerk for vacation or annual leave, (3) allow the clerk to retain his or her vacation or annual leave credit, or (4) effect any combination of the above.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 19846.5 is added to the Government Code,
- 2     to read:
- 3     19846.5. Notwithstanding any other provision of law, including
- 4     Section 201 of the Labor Code, if the Franchise Tax Board
- 5     determines that there is a lack of work for a seasonal clerk
- 6     employed by the board, the board may, without permanent
- 7     separation of the clerk, do any of the following:
- 8     (a) Pay the clerk in a lump-sum payment for accumulated
- 9     vacation or annual leave credit.
- 10    (b) By mutual agreement between the board and the clerk,
- 11    schedule the clerk for vacation or annual leave.
- 12    (c) Allow the clerk to retain his or her vacation or annual leave
- 13    credit.
- 14    (d) Effect a combination of any or all of the actions described
- 15    in subdivisions (a) to (c), inclusive.
- 16    ~~SECTION 1. Section 1308.10 is added to the Labor Code, to~~
- 17    ~~read:~~

1     ~~1308.10. (a) A local agency or public entity that issues a permit~~  
2 ~~for on-location motion picture, television, or commercial~~  
3 ~~production may inform the department and the division, upon~~  
4 ~~request, whether a child or children will be employed at a particular~~  
5 ~~film production location.~~

6     ~~(b) The information released pursuant to subdivision (a) shall~~  
7 ~~be used only for purposes of enforcing provisions of this part~~  
8 ~~relating to the employment of minors and may not be used for any~~  
9 ~~other purpose, nor may the information be further released by the~~  
10 ~~department or division.~~

11     ~~(c) Nothing in this section is intended to create a duty for a local~~  
12 ~~agency or public entity that issues a permit for on-location motion~~  
13 ~~picture, television, or commercial production to seek, obtain, or~~  
14 ~~maintain information regarding whether a child or children will~~  
15 ~~be employed at a particular production location.~~